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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,188	08/20/2003	Esben Rotboll	0127-082P/JAB	5734
22831	7590	08/26/2005	EXAMINER	
SCHWEITZER CORNMAN GROSS & BONDELL LLP			PICO, ERIC E	
292 MADISON AVENUE - 19th FLOOR			ART UNIT	
NEW YORK, NY 10017			PAPER NUMBER	
			3652	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/644,188	ROTBOLL ET AL.	
	Examiner	Art Unit	
	Eric Pico	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/20/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/20/03&12/22/03</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference numeral 100 on Page 6, Line 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 1 is objected to because of the following informalities: The phrase "corresponding to the a thickness" Claim 1, Line 4 is improper grammar. Appropriate correction is required.

3. Claim 10 is objected to because of the following informalities: The phrase "comprising a three-dimensional body for receiving persons or articles to be conveyed and of a support body" Claim 10, Lines 1 and 2 is improper grammar. Appropriate correction is required.

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4. Claim 11 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The lift shaft claimed in dependant claim 11 does not further limit the lift claimed in independent claim 10.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "the top frame of a drive" in Claim 13, Line 6 is unclear if this top frame refers to the top frame of the support body.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 10 rejected under 35 U.S.C. 102(b) as being anticipated by Ericson et al. (U.S. Patent# 5564529). Ericson et al. discloses a lift with one lift cage 14. The lift cage of Ericson et al. is comprised of a three-dimensional body 32 for receiving persons or

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articles to be conveyed and a support body 28 for accepting all forces arising during conveying of the persons or articles. The lift disclosed by Ericson et al. moves within a lift shaft 18. Ericson et al. also illustrates a lift shaft base lying above an underside of a lift shaft floor plate (Figure 1)

9. Claim 12 rejected under 35 U.S.C. 102(b) as being anticipated by Ericson et al. (U.S. Patent# 5564529). Ericson et al. discloses a method of mounting a lift cage 14 in a lift shaft 18. The lift cage 14 shown by Ericson et al. is comprised of a three-dimensional cage 32 for receiving persons or articles to be conveyed and a support body 28 for accepting all forces arising during conveying of the persons or articles. The three-dimensional body 32 shown by Ericson et al. contains at least one floor member 46. Ericson et al. also discloses steps of positioning the support body 28 in the lift shaft 18 on guide rails 26. Also Ericson et al. also teaches a method of raising the support body 28 by a rope 22 attached to a crosshead 42. A method for suspending the three-dimensional body 32 from the support body 28 is also shown by Ericson et al. by attaching horizontal supports 82 of three-dimensional body 32 to the support body 28.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 1, 3/1, 4/1, 6/1, 7/1, 8/1, and 9/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericson et al. (U.S. Patent# 5564529). Ericson et al. discloses a lift cage comprised of a three-dimensional body 32 for receiving persons or articles to be conveyed and suspended in a support body 28 for accepting all forces arising during conveying of the persons or articles. The three-dimensional body disclosed by Ericson et al. also contains a floor member 34. In regards to the lift cage having a floor depth corresponding to the thickness of the floor member. It would have been obvious to one of the ordinary skill in the art to have the lift cage floor depth correspond to the thickness of the floor member to provide a smooth transition between the floor member and the ground floor.

12. Regarding claim 3/1, Ericson et al. further discloses the three-dimensional body 32 being comprised of a floor member 46, a wall member, and a roof member see Figure 1.

13. Regarding claim 4/1, Ericson et al. further discloses a three-dimensional body 32 having a structural member 86.

14. Regarding claim 6/1, Ericson et al. further discloses a three-dimensional body 32 with a structural member 86 mounted on the outside (Figure 1).

15. Regarding claim 7/1, Ericson et al. further discloses the structural member 86 mechanically connecting the floor member 46 and the roof member 82 together.

16. Regarding claim 8/1, Ericson et al. further discloses the three-dimensional body 32 being suspended in the support body 28 by way of the structural member 42.

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17. Regarding claim 9/1, Ericson et al. further discloses the three-dimensional body 32 being suspended in the support body 28 by way of the roof member 42.

18. Claim 2, 3/2, 4/2, 6/2, 7/2, 8/2, 9/2, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericson et al. (U.S. Patent# 5564529) in view of Tomasetti et al. (U.S. Patent# 6209686). Ericson et al. is silent on a support body having two side frames connected by a top frame. Tomasetti et al. further teaches the support body 1 having two side frames 3 and 4 that are connected together by way of at least one top frame 5, 6, 14, and 18 in moment-stiff manner. Therefore, it would have been obvious to one of the ordinary skill in the art to replace the support body 28 taught by Ericson et al. with the support body 1 taught by Tomasetti et al. for a sturdy lift cage with a high degree of stiffness.

19. Regarding claim 3/2, Ericson et al. further discloses the three-dimensional body 32 being comprised of a floor member 46, a wall member, and a roof member see Figure 1.

20. Regarding claim 4/2, Ericson et al. further discloses a three-dimensional body 32 having a structural member 86.

21. Regarding claim 6/2, Ericson et al. further discloses a three-dimensional body 32 with a structural member 86 mounted on the outside (Figure 1).

22. Regarding claim 7/2, Ericson et al. further discloses the structural member 86 mechanically connecting the floor member 46 and the roof member 82 together.

23. Regarding claim 8/2, Ericson et al. further discloses the three-dimensional body 32 being suspended in the support body 28 by way of a structural member 42.

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24. Regarding claim 9/2, Ericson et al. further discloses the three-dimensional body 32 being suspended in the support body 28 by way of a roof member 42.

25.

26. Regarding claim 13, Ericson et al. discloses a method for fastening a top frame 42 to a conveying cable but is silent on a lift comprised of a support body with two side frames with guide shoes and a method of assembly. Tomasetti et al. teaches a method comprised of positioning two side frames 3 and 4 of the support body 1 on a lift shaft base. The side frames 3 and 4 taught by Tomasetti et al. are disposed parallel to one another at a spacing of a width of a top frame 5, 6, 14, and 18 of the support body 1 and each side frame 3 and 4 bears guide shoes 7, 8, 9.1, and 10.1 along a guide rail 33 and 34 located with the lift shaft. Tomasetti et al. method teaches the raising of a top frame 5, 6, 14, and 18 to a fastening level between the side frames 3 and 4. Tomasetti et al. method also teaches the connecting of the top frame 5, 6, 14, and 18 to the side frames 3 and 4. Therefore, it would have been obvious to one of the ordinary skill in the art to incorporate the steps of positioning two side frames on a lift shaft base, fastening a top frame to a conveying cable, and connecting the top frame to the side frames as taught by of Tomasetti et al. to the lift of Ericson et al. to facilitate a method of constructing a frame providing additional rigidity to an elevator cab.

27. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ericson et al. (U.S. Patent# 5564529) in view of Halpern (GB Patent# 2139183A). Ericson et al. is silent on a structural member being a flat profile element. Halpern shows the use of a flat profile structural member 32 and 42 in the construction of a three-dimensional body

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for an elevator cab. Therefore, it would have been obvious to one of the ordinary skill in the art to substitute the structural members 86 of Ericson et al. with flat profile structural members 32 and 42 as taught by Halpern to reduce weight and size while still maintaining a high degree of stiffness.

28. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ericson et al. (U.S. Patent# 5564529) in view of Wilson (U.S. Patent# 5049022). Ericson et al. is silent on a lift shaft base and the underside of the floor plate laying at the same level.

Wilson teaches a parking structure containing a lift shaft is in a building having a lowermost story region. The lowermost story region of Wilson is shown to have a lift shaft base and the underside of the floor plate lying at the same level (Figure 1A).

Therefore, it would have been obvious to one of the ordinary skill in the art to incorporate the lowermost story region taught by Wilson to the teachings of Ericson et al. to easily adjoin the lift shaft base and the floor plate.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ericson (U.S. Patent# 4430835), Bialy et al. (U.S. Patent# 5207295), Tomaseti (U.S. Patent# 5975249), Givati (U.S. Patent# 6328521).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is (571)272-5589.

The examiner can normally be reached on 6:30AM - 3:00PM M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571)272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP



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